# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 4097 of 2005

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE R.S.GARG**

**THE HON'BLE MR.JUSTICE RAVI R.TRIPATHI**

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| 1 | Whether Reporters of Local Papers may be allowed to see the judgment ? |
| 2 | To be referred to the Reporter or not ? |
| 3 | Whether their Lordships wish to see the fair copy of the judgment ? |
| 4 | Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ? |
| 5 | Whether it is to be circulated to the civil judge ? |

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**MAHADIPAK MAHENDRARAI RAVAL - Petitioner(s)**

**Versus**

**STATE OF GUJARAT &2 - Respondent(s)**

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**Appearance :**

MR HJ NANAVATI for Petitioner No(s).: 1.

Mr.Pandya, ASSISTANT GOVERNMENT PLEADERfor Respondent No(s).: 1.

RULE SERVED BY DS for Respondent No(s).: 1,2.

MR AR THACKER for Respondent No(s).: 2.

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**CORAM :HONOURABLE MR.JUSTICE R.S.GARG**

**THE HON'BLE MR.JUSTICE RAVI R.TRIPATHI**

**Date : 24/06/2005**

**ORAL JUDGMENT** (**Per : HONOURABLE MR.JUSTICE R.S.GARG)**

Heard learned counsel for the parties. During arguments number of points were raised, however, in the last it was submitted that as the present petitioner had made an application to the State Government under section 59 of the Saurashtra University Act, 1965 (“the Act” for brevity) in relation to interpretation of some provisions of the Act and about his status as an elected member, the State Government should be asked to decide the matter in accordance with law. While raising this submission the learned counsel for the petitioner, for the present had withdrawn all his other arguments, with a permission to raise the same at an appropriate stage before appropriate forum/ authority. Mr.Nanavati, learned counsel for the University and Mr.Pandya, learned Assistant Govt. Pleader for the State very fairly conceded that in view of the petitioner's application to the State Government raising dispute falling within the purview of subsections (1) and (2) of section 59 of the Act, State Government/ competent authority be asked to dispose of the reference after giving due opportunity of hearing to the petitioner and the University.

2. The petition to the extent indicated above is allowed. We hereby direct the State Government to dispose of the petitioner's application filed under section 59 of the Act within a period of 10 (ten) weeks from today after giving due opportunity of hearing to the petitioner, so also to the University. The petition stands disposed of. Rule is made absolute to the aforesaid extent. No order as to costs.

(R.S. Garg, J.)

(Ravi R. Tripathi, J.)

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